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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,694	03/26/2004	Takeshi Iwaki	OKI 293D1	7850
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RABIN & Berdo, PC			PHAN, JOSEPH T	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/809,694	IWAKI, TAKESHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Joseph T. Phan	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 October 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 9-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 9-24 is/are rejected.

7) Claim(s) 19 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9, 13, and 18 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9, 13, and 18 lines recites “a speech output unit to announce..that the designated user has an incoming call if the designated user is available to answer the call..” which is unclear and confusing as the specification does not teach “announcing that the designated user has an incoming call” but rather teaches that the designated user receives an incoming call and the system announces to the caller the availability of the designated user. Appropriate clarification and/or correction is required.

Claim 18 lines 10-11 recites “to identify a particular one of the user” and lines 15 and 19 recites “the designated user” which is confusing as it appears these are different users which the specification does not disclose and therefore makes the claim indefinite. Appropriate clarification and/or correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 9-12 and 20-24 rejected under 35 U.S.C. 102(e) as being anticipated by Kung et al., Patent #7,180,889.**

Regarding claims 9 and 20, Kung teaches a communications terminal equipment connected to a single communication circuit for use by a plurality of users(Fig.7), comprising: a memory for storing a plurality of user names and a plurality of extension numbers corresponding to the respective user names, and for storing a plurality of plans specifying planned activities and schedules for each of the plurality of users(Fig.7, col.30 lines 7-17 and lines 65-67, and col.31 lines 36-41; busy and unavailable are plans); and a processor for providing in response to a call from a caller on the single communication circuit, a first voice message announcing to the caller the user names and corresponding extension numbers stored in the memory, and for providing in response to a designation by the caller of one of the announced user names(col.30 lines 54-60, col.31 lines 35-41 and col.32 lines 5-8), a second voice message announcing to the caller the planned activities and schedule of the designated user when the planned activities and schedule of the designated user indicate that the designated user is not available to answer the call(*col.30 lines 65-67 and col.31 lines 35-41; announcing to the caller that the user is simply busy*); and a speech output unit to announce, in plain speech, that the designated user has an

incoming call if the designated user is available to answer the call, the announcement identifying the designated user by name(Fig.7, col.30 lines 7-17 and lines 65-67, and col.31 lines 36-41)

Regarding claims 10 and 21, Kung teaches a communications terminal equipment according to Claims 9 and 20, wherein the memory is a memory for also storing operation guides for use in generating the first and second voice messages(Fig-7-9, col. 31 lines 42-56)

Regarding claims 11 and 22, Kung teaches a communications terminal equipment according to Claims 9 and 20, wherein the plurality of user names are stored in the memory as respective speech data(col.30 lines 54-60).

Regarding claims 12 and 23, Kung teaches a communications terminal equipment according to Claims 9 and 20, wherein the plurality of user names are stored in the memory as respective data based on reading and an accent type thereof(col.30 lines 54-60; accent is computer).

Regarding claim 24, Kung teaches a communication terminal according to Claim 20, further comprising: a speech output unit to announce, in plain speech, that the designated user has an incoming call if the designated user is available to answer the call,the announcement identifying the designated user by name, and a housing for the memory, processor, and speech output unit (Fig.7, col.30 lines 7-17 and lines 65-67, and col.31 lines 36-41).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claims 13-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al., Patent #7,180,889.**

Regarding claim 13, Kung teaches a communications terminal equipment connected to a single communication circuit for use by a plurality of users(Fig.7), comprising:  
a memory for storing a plurality of user names and a plurality of extension numbers corresponding to the respective user names(Fig.7 and col.30 lines 54-60); and  
a processor for providing in response to a call from a caller on the single communication circuit, a first voice message announcing to the caller the user names and corresponding extension numbers stored in the memory for providing in response to a designation by the caller of one of the announced user names(col.30 lines 54-60, col.31 lines 35-41 and col.32 lines 5-8), a second voice message requesting the caller to record a voice-mail message when the designated user is not available to answer the call(*col.30 lines 65-67 and col.31 lines 35-41*); and  
a speech output unit to announce, in plain speech, that the designated user has an incoming call if the designated user is available to answer the call, the announcement

identifying the designated user by name(Fig.7, col.30 lines 7-17 and lines 65-67, and col.31 lines 36-41).

Kung is silent on specifically disclosing storing a plurality of e-mail addresses corresponding to the user names and sending the recorded voice-mail message to the stored e-mail address of the user.

However Kung discloses his system is configured to support email and voicemail messaging(col.11 lines 16-34, col.19 lines 8-17).

The examiner takes official notice that sending a voicemail to a stored email address of one of a plurality of users would have been obvious to one skilled in the art of IP telephony in which Kung discloses(col.11 lines 30-34). Sending voicemail to email addresses is old and well-known in the art as it provides a convenient and alternate way of managing voicemails.

Regarding claim 14, Kung teaches a communications terminal equipment according to Claim 13, wherein the memory is a memory for also storing a plurality of plans specifying planned activities and schedules for each of the plurality of users, and the processor is a processor for also determining on the basis of the planned activities and schedule of the designated user, when the designated user is not available to answer the call(*col.30 lines 65-67 and col.31 lines 35-41; announcing to the caller that the user is simply busy*).

Regarding claim 15, Kung teaches a communications terminal equipment according to Claim 13, wherein the memory is a memory for also storing operation guides for use in generating the first and second voice messages(*col.30 lines 1-67 and col.31 lines 35-41*).

Regarding claim 16, Kung teaches a communications terminal equipment according to Claim 13, wherein the plurality of user names are stored in the memory as respective speech

data(Fig.7 and col.30 lines 1-67 and col.31 lines 35-41).

Regarding claim 17, Kung teaches a communications terminal equipment according to Claim 13, wherein the plurality of user names are stored in the memory as respective data based on reading and an accent type thereof(Fig.7 and col.30 lines 1-67 and col.31 lines 35-41; accent is computer).

Regarding claim 18, Kung teaches a method of communicating with one of a plurality of users of a communications terminal equipment connected to a single communication circuit(Fig.7-9), said method comprising the steps of:

receiving a call from a caller on the single communication circuit; transmitting in response to the call, a first voice message announcing to the caller a plurality of user names and a plurality of corresponding extension numbers stored in a memory provided in the communications terminal equipment(Fig.7 and col.30 lines 1-67 and col.31 lines 35-41);

receiving a designated identification number selected by the caller from among the announced plurality of extension numbers, to identify a particular one of the users(col.30 lines 54-60, col.31 lines 35-41 and col.32 lines 5-8);

determining whether or not the particular one of the users corresponding to the designated extension number is available to answer the call(col.31 lines 35-41 and col.32 lines 5-8); announcing through a speech output unit, in plain speech, that the designated user has an incoming call if the designated user is available to answer the call, the announcement identifying the designated user by name(Fig.7, col.30 lines 7-17 and lines 65-67, and col.31 lines 36-41);transmitting to the caller a second voice message requesting the caller to record a voice-mail message when the particular one of the users is not available to answer the call;

recording the voicemail message received from the caller in response to the second voice message(col.30 lines 54-60, col.31 lines 35-41 and col.32 lines 5-8).

Kung is silent on specifically disclosing sending the recorded voice-mail message to the stored e-mail address of the user.

However Kung discloses his system is configured to support email and voicemail messaging(col.11 lines 16-34, col.19 lines 8-17).

The examiner takes official notice that sending a voicemail to a stored email address of one of a plurality of users would have been obvious to one skilled in the art of IP telephony in which Kung discloses(col.11 lines 30-34). Sending voicemail to email addresses is old and well-known in the art as it provides a convenient and alternate way of managing voicemails.

Regarding claim 19, Kung teaches a method of communication according to Claim 18, wherein the step of determining whether or not the one user is available to answer the call includes referring to a plurality of plans also stored in the memory specifying respective planned activities and schedules of the plurality of users(col.30 lines 54-60, col.31 lines 35-41 and col.32 lines 5-8).

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 8:30am-6pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/  
Examiner, Art Unit 2614  
/CURTIS KUNTZ/

Application/Control Number: 10/809,694  
Art Unit: 2614

Page 10

Supervisory Patent Examiner, Art Unit 2614